

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in light of the following discussion, is respectfully requested.

Claims 1-3 and 5-10 are pending in the present application.

In the outstanding Office Action, Claims 1-3 and 5-10 were rejected under 35 U.S.C. §103(a) as unpatentable over Kroon et al. (WO 00/18041, hereinafter Kroon) in view of McGibney (U.S. Patent No. 6,594,273), and further in view of Haartsen (U.S. Patent No. 6,393,007).

In a non-limiting embodiment of the claimed invention, a network includes several transmitter and receiver units. A transmission channel between the receivers and transmitters is subdivided into three distinct sub-channels; one for speech transmission, one for data transmission, and one for synchronization. The three sub-channels are time-multiplexed to form a frame. Each data, speech, and synchronization slot comprises a first part devoted to synchronization on a synchronization signal sent by one of the units on the network. The remainder of the slot is devoted to the transmission of a useful signal.¹ The synchronization sent on the speech or data sub-channels enables the receiving units to resynchronize with the transmitter of the speech or data.²

Turning now to the rejection of Claim 1 as unpatentable over the combination of Kroon, McGibney, and Haartsen, Applicants respectfully traverse the outstanding ground of rejection because the outstanding Office Action fails to provide a *prima facie* case of obviousness. Applicants submit that the cited art, no matter how the cited art references are combined, will not teach every element of independent Claim 1.

To establish a *prima facie* case of obviousness, M.P.E.P. §2143 requires that three criteria must be met. First, there must be some suggestion or motivation, either in the

¹ Specification, page 3, line 23 to page 4, line 32.

² Specification, page 4, lines 29-31.

references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the references teachings. Second, there must be a reasonable expectation of success. Finally, the prior art references must teach or suggest all the claim elements. It is the first and third requirements that have not been met by the outstanding rejection.

Claim 1 recites, *inter alia*, “providing a first part of the information in each sub-channel time slot as configured to provide synchronization information between stations of the network.” The outstanding Office Action acknowledges that Kroon and McGibney do not teach providing a first part of the information in each sub-channel time slot as configured to provide synchronization information between stations of the network.³ The outstanding Office Action relies on Haartsen to describe this element of Claim 1. However, Haartsen does not overcome the deficiencies in Kroon and McGibney.

Haartsen describes that fast synchronization between radio communication units is achieved by having one transmitting unit continuously transmitting, such as the radio access unit, while a scanning unit scans a particular radio frequency transmission channel for receipt of a transmission. The scanning unit locks to the hopping of the frames after receipt of the transmission.⁴ For example, the radio access unit in Haartsen broadcasts its identity such that a remote communication unit that wants to communicate with the particular radio access unit is able to acquire the hop sequence applied.⁵

Time hop synchronization in Haartsen is accomplished by the remote communication unit scanning all the time slots of a frame or frame half until a message has arrived, including information as to the time hop sequence and time offset.⁶

³ Office Action, page 5.

⁴ Haartsen, col. 5, lines 17-24.

⁵ Haartsen, col. 11, lines 14-18.

⁶ Haartsen, col. 5, 27-31.

Haartsen does not describe that the first part of a speech sub-channel and the first part of a data sub-channel provide synchronization information. The system described in Haartsen requires scanning every timeslot in a frame to find the synchronization information. Just because a time slot is scanned to determine if the time slot has synchronization information does not disclose providing synchronization information in the first part of each sub-channel. Haartsen discloses that the reason every time slot is scanned is because the scanning unit does not know which time slot the transmitter is using.⁷

Furthermore, the outstanding Office Action provides no rationale as to why a person of ordinary skill in the art would replace the synchronization method described in McGibney (using designated synchronization slots⁸) with the synchronization method described in Haartsen. McGibney provides no motivation to do anything more than provide designated synchronization slots. Haartsen provides no motivation to do anything more than time hop synchronization.

As such, the standard for preventing impermissible hindsight reconstruction, as set forth below, has not been met. See *In re Rouffet*, 149 F. 3d 1350, 1357, 47 USPQ2d 1453, 1457-58 (Fed. Cir. 1998):

To prevent the use of hindsight based on the invention to defeat patentability of the invention, this court requires the examiner to show a motivation to combine the references that create the case of obviousness. In other words, the examiner must show reasons that the skilled artisan, confronted with the same problems as the inventor and with no knowledge of the claimed invention, would select the elements from the cited prior art references for combination in the manner claimed. [emphasis added.]

⁷ Haartsen, col. 5, lines 39-40.

⁸ McGibney, col. 2, lines 15-17.

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In view of the above-noted distinctions, Applicants respectfully submit that Claim 1 (and Claims 2, 3, and 5-10) patentably distinguish over Kroon, McGibney, and Haartsen, alone or in combination.

Consequently, in view of the above comments, it is respectfully submitted that the outstanding rejection is traversed and that the pending claims are in condition for allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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